

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE HARRELL,

Plaintiff,

Case No. 09-CV-10132

Paul D. Borman
United States District Judge

v.

Mona K. Majzoub
United States Magistrate Judge

JENKINS, et al.,

Defendants.

OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING SUMMARY JUDGMENT TO CERTAIN
DEFENDANTS

Before the Court is Magistrate Judge Mona K. Majzoub's Report and Recommendation granting the unopposed Motion for Summary Judgment filed by Defendants Clearthur Washington, Tammy Spangler, Wendy Baldwin, Allen Hayes, Christina Stewart, Teri Rodgers, Joyce Hunter, Linda Hankered, Alfred Jones, Kendall Byrd, Regina Jenkins and Thomas Polzien. (Dkt. No. 42.)

Having reviewed that Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court ADOPTS the Magistrate Judge's Report and Recommendation, GRANTS Defendants' Motion for Summary Judgment (Dkt. No. 31) and DISMISSES the unexhausted claims against Defendants without prejudice. The Court further DISMISSES the official capacity claims and the exhausted claims

against Defendants Washington, Baldwin, Spangler and Hayes with prejudice.

IT IS SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 10, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 10, 2010.

S/Denise Goodine
Case Manager